GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – AHDD&F Department – Allegation of corruption against Dr. T. Venkateswarlu, Asst. Director (Animal Husbandry) (Retd), Adoni, Kurnool District – Trapped – Prosecuted – Convicted – Imposed a penalty of withholding of pension and gratuity permanently – Criminal appeal filed by the A.O. - Hon'ble High Court has set aside the judgment of Trial Court – S.L.P. filed – Pensionary benefits sanctioned subject to outcome of SLP – S.L.P. Dismissed - Request of the applicant to regularise his suspension period – Regularization of suspension period as on duty under FR 54 A(3) - Orders – Issued.

ANIMAL HUSBANDRY DAIRY DEV. & FISHERIES (Dy&Vig.(2)) DEPARTMENT

G.O.Rt.No.50

Dated: 28.02.2022.
Read the following:-

1. G.O.Rt.No.148, Animal Husbandry Dairy Development & Fisheries (Vig) Dept., Dt.07.04.2005.
2. G.OMs.No.56, Animal Husbandry Dairy Development & Fisheries (Vig) Dept., Dt.24.06.2006.
3. Judgment dated: 27.12.2012 of the Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1744 of 2005.
4. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998-S.6, dated: 31.05.2013.
5. Govt.Memo.No.3519/VS.1/2013, dated: 24.07.2013.
6. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998, dated:31.07.2013 addressed to the Spl. Officer, O/o the Advocate on Records, Supreme Court of India, New Delhi under a copy to Govt.
7. Representation Dt.05.02.2015 of Dr. T. Venkateswarlu, Asst. Director (Animal Husbandry) (Retired), Adoni, Kurnool district.
8. Govt.Memo.No.3519/Dy&Vig(2)/2013, dated: 05.03.2015 & 07.05.2015.
9. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998-S.6, Dt.30.05.2015.
10. G.O.Rt.No.254 Animal Husbandry Dairy Development & Fisheries (Dy.&Vig.(2)) Dept., Dt.10.11.2015.
11. Representation of Dr. T. Venkateswarlu, Asst. Director (Retd), Dt.25.01.2017.
12. Govt.Memo.No.3519/Dy&Vig(2)/2013, Dt.27.02.2017, 01.05.2017, & 09.11.2017 addressed to the DG, ACB.
13. Govt. Lr. No. 3519/VS.1/2013, dated:30.04.2018, 17.07.2019 & 13.12.2019, addressed to the Spl. Officer O/o the Advocate on Record, Supreme Court of India, New Delhi.
14. Representation of Dr.T.Venkateswarlu, Assistant Director (Animal Husbandry) (Retired), Adoni, Kurnool District, dt.28.02.2019.
15. D.O.Lr.No.3519/Dy&Vig(2)/2013, dated 03.09.2020 of AHDD&F(Dy.&Vig.(2))Dept.,
16. From the DG, ACB, A.P., Vijayawada Lr.Rc.No. 137/RCT-KUR/1998, Dt.03.11.2020 along with a copy of order of Hon'ble Supreme Court of India.
17. From DAH, A.P., Vijayawada Lr.No.7501/VC/G1/2013, dated 21.09.2021.

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ORDER:

Whereas it has been brought to the notice of the Government that Dr. T. Venkateswarlu, formerly Asst. Director(AH), Adoni and Dr. Kamalakar Reddy, Veterinary Assistant Surgeon, Veterinary Dispensary, Madira (V), Adoni (M), Kurnool District, were trapped by the ACB officials on 16.09.1998. Subsequently, Dr. T. Venkateswarlu, formerly Asst. Director, was kept under suspension vide G.O.Rt.No.139, AHDD&F(AH.I) Dept., Dt.20.03.1999. Considering the final report of the DG., ACB., prosecution orders were issued vide G.O.Ms.No.104, AHDD&F(AH.I) Dept., dated 13.10.1999. He was reinstated

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into service vide Government Memo.No.4009/AH-I(1)/1999, Dt.08.02.2000. He was retired from service on 30.11.2004, on attaining the age of superannuation, pending finalization of the judicial proceedings (prosecution) before the trial court. He has been sanctioned provisional pension under Rule 52 of the A.P. Revised Pension Rules, 1980, in the reference 1st read above.

2. Dr. T. Venkateswarlu, Asst. Director (Retd.,) was convicted by the Addl Spl. Judge for SPE & ACB Cases, Hyderabad vide C.C.No.2/2000 on 07.11.2005. Based on the conviction orders of the trial court, orders were issued imposing a penalty of withholding of pension and gratuity in full permanently, in the reference 2nd read above. Aggrieved by the conviction orders of the trail court, Dr. T. Venkateswarlu, Asst. Director (Retd.,) filed Crl. Appeal No.1744 of 2005, in the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court, in its orders dated 27.12.2012 have made the following judgement (operative portion):

> " For the foregoing reasons, the conviction and sentence passed by the trial court against the appellant-A1 (Dr. T. Venkateswarlu) are set aside. The final amount, if any, paid by the appellant shall be refunded to him. The criminal appeal is allowed."

3. In the reference 5th read above, Government have accorded permission to the Director General, Anti- Corruption Bureau, to file an S.L.P. in Hon'ble Supreme Court against the Judgment of Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1744 of 2005, dated: 27.12.2012 in respect of Dr. T. Venkateswarlu, Asst. Director (Retd.,).

4. Keeping in view of the orders of Hon'ble High Court, Dr. T.Venkateswarlu, Asst. Director (Retd.,) has represented, among others requested the Government to sanction pensionary benefits. After examine the issue, Government in the reference 10th read above have sanctioned the pensionary benefits (i.e., Pension and Gratuity) to Dr.T. Venkateswarlu, Asst. Director (Retd.,), as per the A.P. Revised Pension Rules, 1980, subject to final outcome of the S.L.P. pending in the Hon'ble Supreme Court of India.

5. In the reference 14th read above, Dr. T. Venkateswarlu, formerly Asst. Director (Retd), Adoni, Kurnool district, again represented requesting to regularize his suspension period from 20.03.1999 to 07.02.2000 as on duty, as he exonerated from the charges levelled against him by the acquittal orders of the Hon'ble High Court in Crl. Appeal No.1744 of 2005, Dt. 27.12.2012, as there is no intimation/notice from the Hon'ble Supreme Court of India and no case is pending for want of admit in the Apex Court, even though lapse of five (5) years.

6. In the reference 15th read above, the Director General, ACB, Vijayawada, was requested to intimate the present stage of the case of the said S.L.P., at the earliest, in the matter.

7. In the reference 16th read above, the DG., ACB, while furnishing a copy of the record of proceedings of Supreme Court of India., has informed that, the Hon'ble Supreme Court of India, has dismissed the S.L.P. No.32915/2017, filed against the orders of the Hon'ble High Court in Crl. Appeal No.1744 of 2005, Dt. 27.12.2012, in respect of Dr. T. Venkateswarlu, formerly Asst. Director (Retd.,), Adoni, Kurnool district.

8. The Hon'ble Supreme Court of India in its record of proceedings dated 01.12.2017 in respect of above said S.L.P, has made the following order:

> "There is an inordinate delay of 1651 days in filing the special leave petition, for which no reasonable explanation has been given. The Special leave petition is, accordingly, dismissed on the ground of delay".

9. In the reference 17th read above, remarks of the Director of Animal Husbandry has been obtained in the prescribed checklist as per Circular memo of the Finance Department vide FIN01-HR/954347/100/2019-HR-IV, Dt. 05.03.2021 for regularizing the suspension period from 20.03.1999 to 07.02.2000 of Sri Dr.T.Venkateswarlu, Retd AD, AH Department.

(P.T.O)

10. Government after examination of the matter, have decided to regularize the suspension period. Accordingly, hereby order to regularize the suspension period of Dr. T. Venkateswarlu, formerly Asst. Director (Retd.,), from 20.03.1999 to 07.02.2000, as on duty, under F.R. 54-A(3), as he exonerated from the charges by the acquittal orders of the Hon'ble High Court in Crl. Appeal No.1744 of 2005, Dt. 27.12.2012 and entitled for treating as duty period, since there is no case/appeal pending against him, due to dismissal of S.L.P., by the Hon'ble Supreme Court of India.

11. The Director of Animal Husbandry, A.P., Vijayawada shall take necessary further action in the matter, accordingly.

12. This order issues with the concurrence of Finance Department vide U.O.No : FIN01-HR/186/2020-HR-IV.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF THE ANDHRA PRADESH)

Dr. POONAM MALAKONDAIAH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Sri Dr.T.Venkateswarlu, Retired A.D., Animal Husbandry, Kurnool (through the DAH, A.P., Vijayawada)
The Director of Animal Husbandry, A.P., Vijayawada.
Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Andhra Pradesh, Secretariat Building No.5, Velagapudi.
The Director General, Anti-Corruption Bureau, Andhra Pradesh, NTR Administrative Block, Pandit Nehru Bus Station, Vijayawada.
The Finance (HR.IV) Department.
The Accountant General, Andhra Pradesh, Vijayawada/Hyderabad.
The Director, Treasuries & Accounts, Andhra Pradesh, Vijayawada.
The District Treasury Officer, Kurnool.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER